FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CRIMINAL APPLICATION NO.49 OF 2006**

---

| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
|---|---|

---

Mr.S.R.Shinde, APP for the State.

Mr.S.V.Kotval for Respondent No.1.

**Coram : R.S.Mohite,J**

Date : 17.3.2006.

PC

1. This is an appeal filed by the State against the Judgment & Order passed by the Special Judge, Solapur on 5.10.2005 acquitting the accused for offences punishable under Sections 7, 13(1)(d) read with Section 13(2) of Prevention of Corruption Act, 1988. Perusal of the Judgment and order indicates that the same has been passed for cogent and acceptable reasons. The trial Court has dis-believed both the

making of demands by the accused as well as his acceptance. As regards the demand, the first allegation was that the demand was made on 23.5.2003. Regarding this, there is no corroboration. Demand was again made on 13.8.2003 at the police station. Regarding this demand, the Court has accepted the defence plea that on this day accused was not in a police station at all as he has been summoned by the Court. Certificate issued by the Public Prosecutor to indicate that the accused was in Court on the date when the alleged demand was made has also been accepted. As regards the acceptance on 18.8.2002 it is clear from the evidence that the notes in question were found in the diary of the accused and no amount was found on his person. As regards money found in the diary, the panch witness admitted that the Complainant had gone alone into the cabin of the accused when the accused was not there and the

accused had arrived at the spot later on. In this view of the matter, the view taken is a possible view and therefore, leave is refused. Consequently, appeal to stand dismissed.

**(R.S.Mohite,J)**